

***STATEMENT BY SENATOR CHRISTOPHER S. BOND;  
09-25-08***

***Opening***

- **Mr. Rowan, I welcome you here today for the Committee's hearing on your nomination to be the next Assistant Attorney General for National Security. I also extend a very special welcome to mother Ann C. Rowan, your father William J. Rowan, III, and your brother William J. Rowan, IV.**

***National Security Reforms***

- **When Congress reauthorized the USA PATRIOT Act in 2006, there was strong agreement that the intelligence reforms made in the wake of the September 11<sup>th</sup> terrorist attacks had improved intelligence sharing and collection.**
- **But it was also clear that significant organizational changes needed to be made within the Department of Justice so that there would be one voice on national security policy and investigations.**
- **Congress understood that those charged with overseeing foreign intelligence investigations needed to work side by side with those making the policies that would govern those investigations.**

- **We also recognized that a new bridge was necessary between DoJ and the rest of the Intelligence Community. So, Congress responded by creating the Assistant Attorney General for National Security and the National Security Division.**

### ***Ken Wainstein***

- **Two years later, the National Security Division has made significant headway in meeting Congress' expectations. Here, I believe it is appropriate to say a few words about Mr. Rowan's predecessor, Ken Wainstein, who now serves the President as his Homeland Security Advisor.**
- **While Congress provided the outline, there were many competing visions and very strong opinions of what the NSD should look like. Mr. Wainstein sifted through all of those and made some very tough decisions. And from what I have seen so far, overall they were good decisions and for that, Mr. Wainstein deserves our country's gratitude and praise.**

### ***Current Challenges***

- **There remains, however, much to be done. For example, the new Executive Order 12333 requires a host of new procedures and Attorney General Guidelines. The National Security Division will be on the frontline for these.**

- **The Intelligence Community continues to implement this summer's FISA Amendments Act, the successor to The Protect America Act which paved the way for the Intelligence Community to track quickly foreign terrorists and spies. The FISA Amendments Act imposes new and extensive oversight and reporting requirements on the IC and the NSD.**
- **Virtually on a daily basis, the FBI seeks FISA applications for physical search or electronic surveillance of suspected terrorists and spies inside the United States. Each one of these applications is drafted by the NSD in coordination with the FBI.**
- **All of these challenges underscore the importance of today's hearing. The National Security Division needs a permanent leader at the helm as they continue to navigate significant oversight and operational issues.**
- **In addition, I cannot overemphasize the operational benefit of having a Senate-confirmed AAG. Under FISA, only a Senate-confirmed Assistant Attorney General for National Security can act in place of the Attorney General. As a result, an Acting AAG cannot certify FISA applications or authorize emergency FISAs.**
- **This means that if Mr. Rowan is not confirmed as the AAG, the FBI and the Intelligence Community will continue to face unnecessary and unacceptable delays in obtaining FISA authorization. This fact alone should be reason enough for this Committee and Congress to move quickly on this nomination if we believe Mr. Rowan should be confirmed.**

## *Other National Security Matters*

- **Today's hearing will also give the Committee a chance to explore other national security issues. Earlier this week, the Committee held a hearing on the proposed new guidelines for FBI criminal and national security investigations—guidelines that I believe are long overdue and a welcome improvement.**
- **Mr. Rowan, I am interested to hear your insight, as a career prosecutor and as someone with solid national security experience both at the FBI and DoJ, on the wisdom of having one set of guidelines.**
- **I also look forward to hearing your opinion on what impact the FISA Amendments Act has had on the National Security Division at DOJ, particularly its resources in processing FISA applications.**
- **I expect that there will also be some questions on the new Executive Order and Attorney General guidelines that will be coming out of that.**

## *Conclusion*

- **Mr. Chairman, this may be the Committee's last hearing of this Congress, but it is certainly no less important than any other we have had. Given the time constraints we are under, if the Committee supports this nomination then I hope that we can move it quickly to the floor to be considered by the full Senate.**
- **Mr. Rowan, I congratulate you on your nomination, and I look forward to your testimony.**